

REMARKS

The Applicants respectfully request entry of this Amendment. No new matter is added by this Amendment.

Claims 1-53 are pending in the application. Claims 1-4, 6, 8-9, 18, 27, 39, and 51 have been amended by this response. Claim 54 has been added.

Claim Rejections 35 U.S.C. § 102

Claims 1-53 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,917,425 (“Crimmins”).

Amended independent Claim 1 calls for, among other things, at least one telemetry device operable to acquire physiologic data. Crimmins does not teach or suggest such an element. Rather, Crimmins discloses an infrared (“IR”) person locator system that utilizes an infrared transmitter 14, which sends out very short bursts of IR location signals. The locator system includes portable transceivers 22 having an IR receiver 24 and a RF transmitter 26. The IR receiver 24 detects the location signals from the transmitter 14 and stores the detected location code. The transceiver 22 includes a personal identification number, which is transmitted with the location code to a central control station 28. Crimmins does not disclose that the transceivers 22 can acquire physiologic data. Accordingly, independent Claim 1 is allowable. Claims 2-17 depend from Claim 1, and are therefore allowable for at least the reasons set forth above with respect to Claim 1.

Amended independent Claim 18 calls for, among other things, a portable device operable to acquire physiologic data. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 18 is allowable. Claims 19-26 depend from Claim 18, and are therefore allowable for at least the reasons set forth above with respect to Claim 18.

Amended independent Claim 27 calls for, among other things, at least one of the items operable to acquire physiologic data from a patient associated with the item. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 27 is allowable. Claims 28-38 depend from Claim 27, and are therefore allowable for at least the reasons set forth above with respect to Claim 27.

Amended independent Claim 39 calls for, among other things, at least one of the items operable to acquire physiologic data. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 39 is allowable. Claims 40-50 depend from Claim 39, and are therefore allowable for at least the reasons set forth above with respect to Claim 39.

Amended independent Claim 51 calls for, among other things, the item operable to acquire patient data. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 51 is allowable. Claims 52-53 depend from Claim 51, and are therefore allowable for at least the reasons set forth above with respect to Claim 51.

Claims 1-53 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,694,453 (“Fuller”).

Amended independent Claim 1 calls for, among other things, at least one telemetry device operable to acquire physiologic data. Fuller does not teach or suggest such an element. Rather, Fuller discloses an apparatus and method for processing incoming telephone calls. Fuller does not disclose that the system acquires physiologic data. Accordingly, independent Claim 1 is allowable. Claims 2-17 depend from Claim 1, and are therefore allowable for at least the reasons set forth above with respect to Claim 1.

Amended independent Claim 18 calls for, among other things, a portable device operable to acquire physiologic data. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 18 is allowable. Claims 19-26 depend from Claim 18, and are therefore allowable for at least the reasons set forth above with respect to Claim 18.

Amended independent Claim 27 calls for, among other things, at least one of the items operable to acquire physiologic data from a patient associated with the item. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 27 is allowable. Claims 28-38 depend from Claim 27, and are therefore allowable for at least the reasons set forth above with respect to Claim 27.

Amended independent Claim 39 calls for, among other things, at least one of the items operable to acquire physiologic data. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 39 is allowable. Claims 40-50 depend from Claim 39, and are therefore allowable for at least the reasons set forth above with respect to Claim 39.

Amended independent Claim 51 calls for, among other things, the item operable to acquire patient data. Crimmins does not teach or suggest such an element. Accordingly, independent Claim 51 is allowable. Claims 52-53 depend from Claim 51, and are therefore allowable for at least the reasons set forth above with respect to Claim 51.

Claim Rejections 35 U.S.C. § 103

Claims 10-14, 19-23, and 35 are rejected under 35 U.S.C. § 103 as being unpatentable over Crimmins or Fuller in combination with U.S. Patent No. 3,805,265 (“Lester”), U.S.

Patent No. 3,657,715 ("Curtin"), U.S. Patent No. 3,590,271 ("Peters"), or U.S. Patent No. 5,459,450 ("Beghelli").

Crimmins and Fuller do not teach or suggest the subject matter of independent Claims 1, 18, 27, 39, and 51 for at least the reasons noted above. Claims 10-14 depend from Claim 1, and are therefore allowable for at least the reasons discussed above with respect to Claim 1. Claims 19-23 depend from Claim 18, and are therefore allowable for at least the reasons discussed above with respect to Claim 18. Claim 35 depends from Claim 27, and is therefore allowable for at least the reasons discussed above with respect to Claim 27.

Lester does not cure the deficiencies of Crimmins or Fuller. Lester discloses a central console 10 that radiates a coded radiant-wave signal 11 in response to the programming of a person's identification code on a keyboard into the console 10. As the signal 11 is transmitted down a hallway, each room transducer 14 receives and transmits the coded signal into the adjacent room to page the pocket unit of the person desired to be located. If the person is within the room, the pocket unit of the person decodes the coded signal 11, identifies it as being the identification code of that person, and transmits a return signal into the room which is then received by the transducer 14. The return signal is transmitted along the hallway to the console 10 where the return signal is decoded to determine the location of the person. Lester does not disclose that the system acquires physiologic data.

Curtin does not cure the deficiencies of Crimmins or Fuller. Curtin discloses a system for paging individuals from a group without disturbing the remainder of the group. Curtin does not disclose that the system acquires physiologic data.

Peters does not cure the deficiencies of Crimmins or Fuller. Peters discloses a remote control system including remotely operated receivers with associated transmitters for use in the home. Peters does not disclose that the system acquires physiologic data.

Beghelli does not cure the deficiencies of Crimmins or Fuller. Beghelli discloses an intrusion alarm system. Beghelli does not disclose that the system acquires physiologic data.

Claims 15-17, 24-26, 29-46 (Applicants believe this should be 29-36), 38, 41-46, and 50 are rejected under 35 U.S.C. § 103 as being unpatentable over Crimmins or Fuller in combination with Lester or U.S. Patent No. 4,649,385 ("Aires").

Crimmins and Fuller do not teach or suggest the subject matter of independent Claims 1, 18, 27, 39, and 51 for at least the reasons noted above.

Lester does not cure the deficiencies of Crimmins or Fuller for at least the reasons noted above.

Aires does not cure the deficiencies of Crimmins or Fuller. Aires discloses a system for determining the location of a member of a class of individual transmitter-receiver units distributed throughout a defined facility. A central station establishes a two-way communication channel with one or more relay stations and sends a coded message identifying a particular individual unit over the communication channel. The relay stations respond to the message by sending out wake-up signals and radiant energy inquiry signals. The individual unit identified in the inquiry signal responds with a radiant energy acknowledgement signal. The relay stations send identification signals to the central station, which identify the sending relay station and indicate whether an acknowledgment signal was received. The central station determines the approximate location of the individual unit from the identification signals. Aires does not disclose that the system acquires physiologic data.

Claims 36-37 and 48-49 are rejected under 35 U.S.C. § 103 as being unpatentable over Crimmins or Fuller in combination with U.S. Patent No. 5,689,238 (“Cannon”).

Crimmins and Fuller do not teach or suggest the subject matter of independent Claims 1, 18, 27, 39, and 51 for at least the reasons noted above. Claims 36-37 depend from Claim 27, and are therefore allowable for at least the reasons discussed above with respect to Claim 27. Claims 48-49 depend from Claim 39, and are therefore allowable for at least the reasons discussed above with respect to Claim 39.

Lester does not cure the deficiencies of Crimmins or Fuller for at least the reasons noted above.

Cannon does not cure the deficiencies of Crimmins or Fuller. Cannon discloses a document locator system. An electronic tag is attached to the document before it is stored. The electronic tag is identifiable by a unique response code. The response code and information pertaining to the document are recorded. To locate the document, the response code is entered into an interrogator. The interrogator sends a signal that causes the tag to emit a sound. Cannon does not disclose that the system acquires physiologic data.

Claims 2, 28, and 40 are rejected under 35 U.S.C. § 103 as being unpatentable over Crimmins or Fuller in combination with U.S. Patent No. 3,739,329 (“Lester II”) or U.S. Patent No. 4,549,264 (“Carroll”).

Crimmins and Fuller do not teach or suggest the subject matter of independent Claims 1, 18, 27, 39, and 51 for at least the reasons noted above. Claim 2 depends from Claim 1, and is therefore allowable for at least the reasons discussed above with respect to Claim 1. Claim 28 depends from Claim 27, and is therefore allowable for at least the reasons discussed above

with respect to Claim 27. Claim 40 depends from Claim 39, and is therefore allowable for at least the reasons discussed above with respect to Claim 39.

Lester II does not cure the deficiencies of Crimmins or Fuller. Lester II discloses an electronic locating system including a central console for transmitting a plurality of UHF signals of different frequencies, each identified with a particular person. Each person carries a trans-receiver unit 20 tuned to receive the UHF signal of a particular frequency with which he is identified. In response to the UHF signal, the portable unit 20 is adapted to generate an ultrasonic sound wave. A station 30 near the portable unit 20 receives the ultrasonic sound wave and generates a UHF signal of a particular frequency and transmits the signal to the central console 10. Lester II does not disclose that the system acquires physiologic data.

Carroll does not cure the deficiencies of Crimmins or Fuller. Carroll discloses a system for logging the interaction between objects for billing purposes. A transmitting unit 20 is attached to an item and transmits a uniquely coded signal. A transceiving unit 24 is worn by hospital personnel. If the unit 24 comes within a specified distance of any one of the transmitting units 20 for a specified period of time, then the unique code associated with the transmitted signals is time-logged into the memory of the unit 24. Carroll does not disclose that the system acquires physiologic data.

Claims 52-53 are rejected under 35 U.S.C. § 103 as being unpatentable over Crimmins or Fuller in combination with U.S. Patent No. 5,214,409 ("Beigel") or U.S. Patent No. 4,918,432 ("Pauley").

Crimmins and Fuller do not teach or suggest the subject matter of independent Claims 1, 18, 27, 39, and 51 for at least the reasons noted above. Claims 52-53 depend from Claim 51, and are therefore allowable with respect to Claim 51.

Beigel does not cure the deficiencies of Crimmins or Fuller. Beigel discloses an electronic identification system that utilizes multi-memory tags. The system includes a multi-memory tag, a programming unit reader, and a programming unit. The multi-memory tag is capable of transmitting data to the reader and receiving data and commands from the programming unit. The reader is capable of interrogating and receiving information from the multi-memory tag. The programming unit is capable of reprogramming the reprogrammable portion of the memory of the multi-memory tag. Carroll does not disclose that the system acquires physiologic data.

Pauley does not cure the deficiencies of Crimmins or Fuller. Pauley discloses a house arrest monitoring system that automatically verifies the presence or absence of prisoners,

patients, or other personnel who are required to remain at a prescribed location. Carroll does not disclose that the system acquires physiologic data.

New Claims

Applicants have added new Claim 54, which Applicants believe is allowable over the cited art.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully request entry of this Amendment and allowance of Claims 1-54. The undersigned is available for telephone consultation at any time.

Respectfully submitted,



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